

**MASSACHUSETTS**  
Public Employee Retirement Administration Commission  
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**M E M O R A N D U M**

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Waiving of underpayments by and overpayments to members

DATE: June 20, 2001

In PERAC Memo #36/2000, the Commission issued instructions to boards on the implementation of the revised provisions of G.L. c. 32, § 20(5)(c)(3). After revisiting the issue, the Commission has amended the instructions as provided below:

A board may refund any amounts which have already been paid by the member to the board as a result of a demand for repayment from the date of the demand to the date of the board's waiver. In no event may a board repay amounts for periods before July 1, 1995, the effective date of the act. Boards may not pay any interest on this refund.

Boards may also refund any amounts which were repaid through a reduction in a member's retirement allowance from the date of the demand to the date of the board's waiver. In no event may a board repay amounts for periods before July 1, 1995, the effective date of the act. Boards may not pay any interest on this refund.

All other aspects of PERAC Memo #36/2000 remain in effect. Boards have absolute discretion on whether or not to grant waivers under G.L. c. 32, § 20(5)(c)(3).

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.